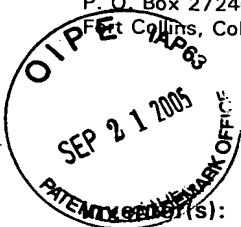


09.22.05

PATENT APPLICATION

ATTORNEY DOCKET NO. 10004847-1



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): John C. Crandall

Confirmation No.: 2405

Application No.: 09/834,338

Examiner: G. C. Neurauter

Filing Date: 04-13-2001

Group Art Unit: 2143

Title: LANGUAGE AND CULTURE INTERFACE PROTOCOL

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 07-22-2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

John C. Crandall

By

Thomas J. Meaney

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Date: 09-21-2005

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(X) I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482726787US, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450
Date of Deposit: September 21, 2005

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Susan Bloomfield



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Docket No.: 10004847-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John C. Crandall

Application No.: 09/834,338

Confirmation No.: 2405

Filed: April 13, 2001

Art Unit: 2143

For: LANGUAGE AND CULTURE INTERFACE
PROTOCOL

Examiner: G. C. Neurauter

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on July 22, 2005, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- | | |
|------|---|
| I. | Real Party In Interest |
| II | Related Appeals and Interferences |
| III. | Status of Claims |
| IV. | Status of Amendments |
| V. | Summary of Claimed Subject Matter |
| VI. | Grounds of Rejection to be Reviewed on Appeal |

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VII.	Argument
VIII.	Claims
IX.	Evidence
X.	Related Proceedings
Appendix A	Claims

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Hewlett-Packard Development Company, L.P., a Texas Limited Partnership, having its principal place of business in Houston, Texas.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 20 claims pending in application.

B. Current Status of Claims

1. Claims pending: 1-20

2. Claims rejected: 1-20

C. Claims On Appeal

The claims on appeal are claims 1-20.

IV. STATUS OF AMENDMENTS

Applicant filed an Amendment in Response to Non-Final Office Action on December 1, 2004. The Examiner rejected Applicant's arguments in the Final Office Action mailed on May 27, 2005, to which Applicant has filed this Appeal. The pending claims are enclosed herein as Appendix A.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element.

With regard to claim 1, the claimed subject matter is a cultural interface protocol application for use on a computer system (page 9, lines 22-23; figure 3, element 31) comprising a user profile stored in a memory of said computer system for defining cultural attributes (page 7, lines 25-28—page 8, lines 1-2; figure 3, element 31), a protocol interface for interfacing with a client application (page 9, lines 24-25), and an algorithm for determining ones of said cultural attributes to communicate to said client application (page 9, lines 26-29—page 10, lines 1-8; figure 4), wherein said client application is configured according to said determined ones of said cultural attributes (page 10, lines 6-8).

With regard to claim 11, the claimed subject matter is a method for providing a cultural specific user interface (page 7, lines 9-20) comprising the steps of entering user ethnicity objects into a cultural user profile (page 9, lines 23-24; figure 4, element 400), said cultural user profile for defining at least one of: a user location; a language preferred by said user; and a dialect of said language preferred by said user (page 7, lines 25-28—page 8, lines 1-2); interfacing with a client application (page 9, lines 24-25; figure 4, element 401), analyzing available graphical user interface (GUI) parameters of said client application (page 9, lines 28-29—page 10, line 1; figure 4, element 402), communicating selected ethnicity objects to said client application responsive to said analyzing step (page 10, lines 3-4; figure 4, elements 403, 404), and configuring a GUI of said client application according to said communicated ethnicity objects (page 10, lines 4-6; figure 4, element 405).

With respect to claim 16, the claimed subject matter is a computer program product having a computer readable medium having computer program logic recorded

thereon (page 8, lines 22-26) for providing a cultural specific user interface (page 8, lines 22-26) comprising means for obtaining user ethnicity objects (page 7, lines 13-14; figure 4, element 400, 401), means for creating a cultural user profile using said user ethnicity objects (page 7, lines 13-14; figure 4, element 400, 401), means for communicating with a client application (page 7, lines 14-16; figure 4, element 404), means for determining variable graphical user interface (GUI) parameters of said client application (page 8, lines 7-9; figure 4, element 402), means for selecting ethnicity objects from said cultural user profile responsive to said determining means (page 8, lines 11-15; figure 4, element 403), and means for configuring said client application GUI according to said selected ethnicity objects (page 8, lines 11-15; figure 4, element 405).

With respect to claim 20, the claimed subject matter is a language and cultural interface protocol application (page 7, lines 9-20) comprising a cultural profile of user specific cultural objects said objects comprising: a list of languages preferred by a user; and a cultural origin of said user (page 7, lines 16-20; figure 3, element 31); an application interface for facilitating communication between said protocol and a client application (page 9, lines 25-26), a host interface analyzer for determining ones of graphical user interface (GUI) parameters of said client application which are variable according to ones of said user specific cultural objects (page 9, lines 28-29—page 10, lines 1-3), and an object communicator for communicating selected ones of said user specific cultural objects to said client application (page 10, lines 3-4) wherein said client application varies said variable GUI parameters according to said communicated user specific cultural objects (page 10, lines 4-8).

VI. GROUNDS OF OBJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-20 are properly rejected under 35 U.S.C. § 102(b) as being anticipated by Miller et al. (U.S. Patent No. 5,835,768, hereinafter *Miller*).

VII. ARGUMENT

A. Claim Rejections Under 35 U.S.C. § 102

The rejection of claims 1 – 20 is improper, and Appellant respectfully request withdraw of this rejection.

The claims do not stand or fall together. Instead, Appellant presents four separate arguments for various independent claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as follows:

A. Claim Rejections Under 35 USC § 102

1. Claims 1 – 10, with claim 1 selected for discussion.
2. Claims 11 – 15, with claim 11 selected for discussion.
3. Claim 16 – 19, with claim 16 selected for discussion.
4. Claim 20.

A. Claim Rejections Under 35 USC § 102

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Miller*. Final Office Action, page 6. Appellants respectfully traverse.

In order to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Moreover, “[T]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Appellant asserts that the art of record does not teach every element of the claims, and does not show the identical invention in as complete detail as is contained in the claims.

1. **Claims 1-10**

Claim 1, recites, in part, “an algorithm for determining ones of said cultural attributes to communicate to said client application.” The Examiner contends that the following passage of *Miller* meets the claimed limitation (Final Office Action, page 6):

[I]n operation, when initiating a program call requiring the presentation of data or the processing of data provided by the user, the data to be presented or processed are first located. The value of the relevant locale category is then determined. The pointer to the appropriate locale object file in memory 70 is obtained as known by the person skilled in the art. The function applies the formatting rules specified in the locale category object. The formatted data are then presented or processed. *Miller*, col. 6, lines 52-60.

The Examiner assumes that *Miller*'s "locale objects files" meet the "cultural attributes" recited in the claim. However, Appellant asserts that, even if Examiner's assumptions were correct, *Miller* would still not teach an algorithm for determining which cultural attributes to communicate to an application. For example, *Miller* expressly teaches that all of its cultural attributes (locale object files 72) are readily accessible to *Miller*'s client program (application program 35) via program call 90 through locale category handles 80. *Miller*, col. 6, lines 21-25; Figure 2. Therefore, *Miller* does not teach an algorithm for determining which cultural attributes to communicate to the client application, at least, because all of *Miller*'s cultural attributes are made accessible to *Miller*'s application program. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(e) rejection of record with respect to claim 1 be overruled.

Dependent claims 2-10 depend either directly or indirectly from claim 1, and thus inherit all the limitations of that independent claim. Consequently, *Miller* also fails to teach every element of dependent claims 2-10. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(e) rejection of record with respect to claims 2-10 be overruled.

2. Claims 11-15

Claim 11 recites, in part, "analyzing available graphical user interface (GUI) parameters of said client application." In response to Appellant's previously presented arguments, the Examiner contends that the following passages of *Miller* meet the claimed limitation (Final Office Action, page 4):

[A] brief description of the function of each of the environment follows ... LC_CTYPE – specifies the character attributes and mappings ... LC_MESSAGES – specifies the affirmative and negative expressions and language to be used in communication with the user.

Miller, col. 5, lines 13-24.

For example, a locale named "Canada" may contain source code which enables the application program to present information or interact with the user, according to Canadian cultural standards.

Miller, col. 5, lines 52-55.

However, simply enabling an application program to present information according to a cultural standard is not the same, or even a similar limitation, as analyzing available GUI parameters of an application, as required by claim 1. No section of *Miller* discloses analyzing available GUI parameters of a client application.

In fact, *Miller* simply teaches that when the user changes locales in the application, the application calls a function (the setlocale function), which is a part of the operating system. *Miller*, col. 5, line 62—col. 6, line 9. The application then passes the user-selected locale to the setlocale function, which handles the access to the selected locale. *Miller*, col. 5, line 62—col. 6, line 9. Thus, according to *Miller*, the application merely takes the change entered by the user and passes that change to the operating system. Again, there is no description or suggestion that any GUI parameters of the application are analyzed. Therefore, *Miller* does not teach every element of claim 11. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(e) rejection of record with respect to claim 11 be overruled.

Claim 11 also recites, in part, "communicating selected ethnicity objects to said client application responsive to said analyzing step." There is no teaching in *Miller* of communicating selected ethnicity objects to said client application. As noted above, *Miller*'s ethnicity objects (locale object files 72) are *readily accessible* to *Miller*'s application program. *Miller*, col. 6, lines 21-25; Figure 2. *Miller* does not teach communicating selected ethnicity objects, at least, because *all* of *Miller*'s objects are made accessible to *Miller*'s application program. *Miller*, col. 6, lines 21-25; Figure 2. Therefore, *Miller* does not teach every element of claim 11. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(e) rejection of record with respect to claim 11 be overruled.

Dependent claims 12-15 depend either directly or indirectly from claim 11, and thus inherit all the limitations of that independent claim. Consequently, *Miller* also fails to teach

every element of dependent claims 12-15. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(b) rejection of record with respect to claims 12-15 be overruled.

3. Claims 16-19

Claim 16 recites, in part, "means for determining variable graphical user interface (GUI) parameters of said client application." The Examiner contends that the following passage of *Miller* meets the claimed limitation (Final Office Action, page 11):

[F]or example, a locale named "Canada" may contain source code which enables the application program to present information or interact with the user, according to Canadian cultural standards.

The locale source is then compiled by a locale object builder 25 creating a system specific formatted locale object from the locale source 20. IEEE Standard 1003.2 defines the "localedef" utility that generates a locale object from locale source 20. The object code is stored in a permanent database, referred to as locale database 30.

Miller, col. 5, lines 52-60.

However, the above passage does not teach a means for determining variable GUI parameters of a client application, as required by claim 16. No other section of *Miller* discloses a means for determining variable GUI parameters of a client application.

In fact, *Miller* simply teaches that when the user changes locales in the application, the application calls a function (the setlocale function), which is a part of the operating system. *Miller*, col. 5, line 62—col. 6, line 9. The application then passes the user-selected locale to the setlocale function, which handles the access to the selected locale. *Miller*, col. 5, line 62—col. 6, line 9. Thus, according to *Miller*, the application merely takes the change entered by the user and passes that change to the operating system. Again, there is no description or suggestion of a means for determining variable GUI parameters of a client application. Therefore, *Miller* does not teach every element of claim 16. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(e) rejection of record with respect to claim 16 be overruled.

Claim 16 also requires, in part, "means for selecting ethnicity object from said cultural user profile responsive to said determining means." There is no teaching in *Miller* of

a means for selecting ethnicity objects in response to a determination of variable GUI parameters of an application, as required by claim 16. As previously noted, *Miller*'s ethnicity objects (locale object files **72**) are *readily accessible* to *Miller*'s application program. *Miller*, col. 6, lines 21-25; Figure 2. *Miller* does not teach means for selecting ethnicity objects, at least, because *all* of *Miller*'s objects are accessible by *Miller*'s program. *Miller*, col. 6, lines 21-25; Figure 2. Therefore, *Miller* does not teach every element of claim 16. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(e) rejection of record with respect to claim 16 be overruled.

Dependent claims 17-19 depend either directly or indirectly from claim 16, and thus inherit all the limitations of that independent claim. Consequently, *Miller* also fails to teach every element of dependent claims 17-19. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(b) rejection of record with respect to claims 17-19 be overruled.

4. Claim 20

Claim 20 recites, in part, "a host interface analyzer for determining ones of graphical user interface (GUI) parameters of said client application which are variable according to ones of said user specific cultural objects." The Examiner contends that the following passage of *Miller* meets the claimed limitation (Final Office Action, page 13):

[F]or example, a locale named "Canada" may contain source code which enables the application program to present information or interact with the user, according to Canadian cultural standards.

The locale source is then compiled by a locale object builder **25** creating a system specific formatted locale object from the locale source **20**. IEEE Standard 1003.2 defines the "localedef" utility that generates a locale object from locale source **20**. The object code is stored in a permanent database, referred to as locale database **30**.
Miller, col. 5, lines 52-60.

However, the above passage does not teach a host interface analyzer for determining which GUI parameters of a client application are variable, as required by claim 20. No other section of *Miller* discloses a host interface analyzer for determining which GUI parameters of a client application are variable.

In fact, *Miller* simply teaches that when the user changes locales in the application, the application calls a function (the setlocale function), which is a part of the operating system. *Miller*, col. 5, line 62—col. 6, line 9. The application then passes the user-selected locale to the setlocale function, which handles the access to the selected locale. *Miller*, col. 5, line 62—col. 6, line 9. Thus, according to *Miller*, the application merely takes the change entered by the user and passes that change to the operating system. Again, there is no description or suggestion of a host interface analyzer for determining which GUI parameters of a client application are variable. Therefore, *Miller* does not teach every element of claim 20. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(e) rejection of record with respect to claim 20 be overruled.

Claim 20 also recites, in part, “an object communicator for communicating selected ones of said user specific cultural objects to said client application wherein said client application varies said variable GUI parameters according to said communicated user specific cultural objects.” There is no teaching in *Miller* of an object communicator for communicating selected user specific cultural objects to a client application, as required by claim 20. As previously noted, *Miller*'s ethnicity objects (locale object files 72) are *readily accessible* to *Miller*'s application program. *Miller*, col. 6, lines 21-25; Figure 2. *Miller* does not teach an object communicator for communicating selected user specific cultural objects, at least, because *all* of *Miller*'s objects are accessible by *Miller*'s program. *Miller*, col. 6, lines 21-25; Figure 2. Therefore, *Miller* does not teach every element of claim 20. Accordingly, Appellant respectfully requests that the Examiner's 35 U.S.C. § 102(e) rejection of record with respect to claim 20 be overruled.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A do include the amendments filed by Applicant on December 1, 2004.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

X. RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482726787US, in an envelope addressed to: MS Appeal Brief-Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: September 21, 2005

Typed Name: Susan Bloomfield

Signature: Susan Bloomfield

Respectfully submitted,

By 

Thomas J. Meaney
Attorney/Agent for Applicant(s)
Reg. No.: 41,990

Date: September 21, 2005

Telephone No. (214) 855-8230

APPENDIX A

Claims Involved in the Appeal of Application Serial No. 09/834,338

1. (Original) A cultural interface protocol application for use on a computer system comprising:
 - a user profile stored in a memory of said computer system for defining cultural attributes;
 - a protocol interface for interfacing with a client application; and
 - an algorithm for determining ones of said cultural attributes to communicate to said client application, wherein said client application is configured according to said determined ones of said cultural attributes.
2. (Original) The cultural interface protocol application of claim 1 wherein said cultural attributes comprise at least one of:
 - user language preferences; and
 - a user ethnic origin.
3. (Original) The cultural interface protocol application of claim 2 wherein said user language preferences comprise:
 - a list of languages ranked according to user preference.
4. (Original) The cultural interface protocol application of claim 1 wherein said client application comprises one of:
 - software application;
 - an Internet website; and
 - a data network.
5. (Previously Presented) The cultural interface protocol application of claim 2 wherein said configured client application is presented to said user in user language preference and graphical representation associated with said user ethnic origin.
6. (Original) The cultural interface protocol application of claim 1 where said algorithm determines said ones of said cultural attributes using configuration parameters communicated from said client application.

7. (Original) The cultural interface protocol application of claim 5 further comprising a database of graphical interface objects used by said client application in rendering a graphical user interface of said client application, wherein said database is associated with said client application.

8. (Original) The cultural interface protocol application of claim 5 further comprising a database of graphical interface objects used by said client application in rendering a graphical user interface of said client application, wherein said database is associated with said user profile.

9. (Original) The cultural interface protocol application of claim 1 wherein said cultural interface protocol application is pre-installed on said computer system, said protocol application further comprising:

a user attribute interface for prompting said user to select desired ones of said cultural attributes from a predefined plurality of said cultural attributes.

10. (Original) The cultural interface protocol application of claim 1 further comprising:

an installer for installing said protocol application onto said computer system; and
an installation prompt for allowing said user to select desired ones of said cultural attributes from a predefined plurality of said cultural attributes.

11. (Previously Presented) A method for providing a cultural specific user interface comprising the steps of:

entering user ethnicity objects into a cultural user profile, said cultural user profile for defining at least one of:

a user location;

a language preferred by said user; and

a dialect of said language preferred by said user;

interfacing with a client application;

analyzing available graphical user interface (GUI) parameters of said client application;

communicating selected ethnicity objects to said client application responsive to said analyzing step; and

configuring a GUI of said client application according to said communicated ethnicity objects.

12. (Original) The method of claim 11 wherein said entering said user ethnicity objects step comprises at least one of the steps of:

entering a set of languages preferred by said user;

entering a cultural origin of said user; and

entering an originating country of said user.

13. (Original) The method of claim 11 wherein said analyzing step comprises the steps of:

receiving said available GUI parameters from said client application; and

determining said ones of said available GUI parameters variable according to said user ethnicity objects.

14. (Original) The method of claim 11 wherein said configuring step comprises the steps of:

receiving said communicated ethnicity objects;

adjusting said available GUI parameters according to said received ethnicity objects; and

rendering said GUI of said client application according to said adjusted available GUI parameters.

15. (Original) The method of claim 14 further comprising the step of: retrieving graphical mapping objects from a database used in said rendering step.

16. (Original) A computer program product having a computer readable medium having computer program logic recorded thereon for providing a cultural specific user interface comprising:

- means for obtaining user ethnicity objects;
- means for creating a cultural user profile using said user ethnicity objects;
- means for communicating with a client application;
- means for determining variable graphical user interface (GUI) parameters of said client application;
- means for selecting ethnicity objects from said cultural user profile responsive to said determining means; and
- means for configuring said client application GUI according to said selected ethnicity objects.

17. (Original) The computer program product of claim 16 wherein said means for obtaining said user ethnicity objects comprises at least one of.

- means for entering a set of languages preferred by said user; means for entering a cultural origin of said user; and
- means for entering an originating country of said user.

18. (Original) The computer program product of claim 16 wherein said means for determining comprises:

- means for receiving indication from said client application of said variable GUI parameters;
- means for comparing all of said user ethnicity objects to said variable GUI parameters; and
- means for providing ones of said user ethnicity objects corresponding to said variable GUI parameters.

19. (Original) The computer program product of claim 16 wherein said means for configuring comprises:
means for communicating said selected ethnicity objects;
means for adjusting said variable GUI parameters according to said selected ethnicity objects; and
means for rendering said client application GUI according to said adjusted variable GUI parameters.

20. (Original) A language and cultural interface protocol application comprising:
a cultural profile of user specific cultural objects said objects comprising:
a list of languages preferred by a user; and
a cultural origin of said user;
an application interface for facilitating communication between said protocol and a client application;
a host interface analyzer for determining ones of graphical user interface (GUI) parameters of said client application which are variable according to ones of said user specific cultural objects; and
an object communicator for communicating selected ones of said user specific cultural objects to said client application wherein said client application varies said variable GUI parameters according to said communicated user specific cultural objects.